

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: Robyn R. Levine

Group Art Unit: 3622 : IBM Corporation
Examiner: Yehdega Retta : Intellectual Property Law
Serial No.: 09/761,121 : Department SHCB/040-3
Filed: 01/16/2001 : 1701 North Street
Confirmation No.: 2906 : Endicott, New York 13760
Title: BUSINESS OFFERING
CONTENT DELIVERY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

The following remarks are directed to the points of argument raised in the Examiner's Answer dated 12/09/2008.

REMARKS

In Section (6) of the Examiner's Answer, the Examiner raises a new grounds of rejection by rejecting claims 1-9, 12-18, and 20 under 35 U.S.C. 101. This new grounds of rejection necessitated this response in a Reply Brief.

Claims 21-23 are not affected by the rejection under 35 U.S.C. 101. Appellant therefore concedes the rejection of claims 1-9, 12-18, and 20 under this new grounds of rejection and respectfully requests the Board to consider her arguments for allowance of claims 21-23.

Furthermore, in response to the Examiner's Answer dated 12/09/2008 page 7, Appellant respectfully wishes to point out her independent claims 21-23 recite purchased (not purchase) data which is grouped or keyed to presenting a lifestyle or lifestage view of said user. This is supported by Appellant's Specification page 12, lines 1-9 where it is stated that various firms provide data for purchase which is grouped or keyed to presenting a lifestyle or lifestage view of users.

The Examiner has confused this requirement with purchase (not purchased) data in a profile of a user which is a listing of items previously purchased or selected or ordered by a user, as described by Roberts col. 4, lines 24-52.

Appellant maintains her argument that Roberts does not describe or suggest the purchased data limitation of claims 21-23.

For the reasons set forth herein and in the Appeal Brief dated 12/18/2006, it is further submitted that the Final Rejection of Claims should be reversed.

Respectfully submitted,

Dated: 02/06/09

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